

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JAMES D. JOHNSON, et al

PLAINTIFFS

V.

CIVIL ACTION NO. 3:04cv251LN

HALEY BARBOUR, et al

DEFENDANTS

**DEFENDANTS' MOTION FOR NEW CASE MANAGEMENT PLAN ORDER
AND RESPONSE TO PLAINTIFFS' MOTION FOR REVISED CASE MANAGEMENT
ORDER**

COME NOW, the Defendants, by and through counsel, and file this Motion for New Case Management Plan Order and Response to Plaintiffs' Motion for Revised Case Management Order and would show the Court the following:

1.

This Courts previous Order dated September 8, 2005, directed that at the conclusion of the stay, the Defendants shall submit a Motion for a new Case Management Plan Order with deadlines extended commensurate with the stay.

2.

Attached hereto as Exhibit "A" is Defendants proposed new Case Management Plan Order. The dates are commensurate with the length of the Stay in this matter. Defendants proposed Order differs from Plaintiffs in that it does not set forth proposed dates for the pretrial conference and trial since those dates are subject to the Courts calendar.

THIS, the **27th** day of **December**, **2005**.

Respectfully submitted,

HALEY BARBOUR, as Governor of the State of Mississippi; **DONALD TAYLOR**, as Executive Director of the Department of Human Services; and **BILLY MANGOLD** as Director of the Division of Family and Children's Services

BY: /s/ Dewitt L. (Rusty) Fortenberry, Jr.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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I also certify that I have this day served a copy of the foregoing on the following non-ECF participants by United States Mail, postage prepaid:

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SO CERTIFIED, this the **27th** day of **December, 2005**.

_____/s/ Dewitt L. (Rusty) Fortenberry, Jr.____